

## U.S. Federal Register Update: May 2 – May 6, 2022

The U.S. Federal Register Update contains summaries of entries in the U.S. Federal Register that may be of particular interest to the standards and conformity assessment community. This update is provided on a weekly basis by ANSI as a service to its members as part of the Institute's e-newsletter, *What's New?*

### [Proposed Data Collection Submitted for Public Comment and Recommendations](#)

**Published** 5/6/2022

**Reference** ANSI, ASTM, ISO

The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other federal agencies the opportunity to comment on a proposed information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled Formative Respirator and Personal Protective Clothing Laboratory Testing. NIOSH proposes using questionnaires, physiological monitoring/measurements, anthropometric measurements, respirator fit measurements, self-perception data, and biomechanical measurements to assess gaps in respirator and personal protective clothing use among the United States working population. **CDC must receive written comments on or before July 5, 2022.**

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### [Protection of Stratospheric Ozone: Listing of HFO-1234yf Under the Significant New Alternatives Policy Program for Motor Vehicle Air Conditioning in Nonroad Vehicles and Servicing Fittings for Small Refrigerant Cans](#)

**Published** 5/4/2022

**Reference** ANSI, ASHRAE, ASTM, SAE

Pursuant to the EPA's Significant New Alternatives Policy program, this action lists the refrigerant 2,3,3,3-tetrafluoroprop-1-ene, also known as HFO-1234yf or R-1234yf, as acceptable, subject to use conditions, in the motor vehicle air conditioning end-use for certain types of newly manufactured nonroad (also called off-road) vehicles, which includes some vehicles that are also considered heavy-duty vehicles. EPA is also adopting the current versions of the industry safety standards SAE J639, SAE J1739, and SAE J2844 by incorporating them by reference into the use conditions for the listings in nonroad vehicles and previous listings for certain onroad vehicles covered in final rules issued separately in March 2011 and December 2016. In addition, EPA is requiring unique servicing fittings for use with small refrigerant cans (two pounds or less) of 2,3,3,3-tetrafluoroprop-1-ene that are used to service onroad and nonroad vehicles. Finally, EPA is adding a reference to the Agency's regulations under the Toxic Substances Control Act for 2,3,3,3-tetrafluoroprop-1-ene for the listings in nonroad vehicles and previous listings for certain onroad vehicles. **This final rule is effective on June 3, 2022. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of June 3, 2022.**

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### [Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Geophysical Surveys of the Guerrero Gap in the Eastern Tropical Pacific](#)

**Published** 5/6/2022

**Reference** ANSI

In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, NMFS has issued an IHA to the Lamont-Doherty Earth Observatory (L-DEO) to incidentally harass marine mammals during geophysical surveys of the Guerrero Gap off the coast of Mexico in the Eastern Tropical Pacific. **This authorization is effective from May 2, 2022 through May 1, 2023.**

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### [Corporate Average Fuel Economy Standards for Model Years 2024-2026 Passenger Cars and Light Trucks](#)

**Published** 5/2/2022

**Reference** ANSI, ASTM, IEEE, SAE

NHTSA, on behalf of the Department of Transportation, is finalizing revised fuel economy standards for passenger cars and light trucks for model years (MYs) 2024-2025 that increase at a rate of 8 percent per year, and increase at a rate of 10 percent per year for MY 2026 vehicles. NHTSA currently projects that the revised standards would require an industry fleet-wide average of roughly 49 mpg in MY 2026, and would reduce average fuel outlays over the lifetimes of affected vehicles that provide consumers hundreds of dollars in net savings. These standards are directly responsive to the agency's statutory mandate to improve energy conservation and reduce the Nation's energy dependence on foreign sources. This final rule fulfills NHTSA's obligation to revisit the standards set forth in "The Safer Affordable Fuel Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks," as directed by President Biden's January 20, 2021, Executive

order “Protecting Public Health and the Environment and Restoring Science To Tackle the Climate Crisis.” The revised standards set forth in this final rule are consistent with the policy direction in the order, to among other things, listen to the science, improve public health and protect our environment, and to prioritize both environmental justice and the creation of the well paying union jobs necessary to deliver on these goals. This final rule addresses public comments to the notice of proposed rulemaking and also makes certain minor changes to fuel economy reporting requirements. **This rule is effective July 1, 2022.**

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#### [Criteria for the Certification and Recertification of the Waste Isolation Pilot Plant's Compliance With the Disposal Regulations: Recertification Decision](#)

**Published** 5/3/2022

**Reference** ASME

The Environmental Protection Agency (EPA or the Agency) recertifies that the U.S. Department of Energy's (DOE or the Department) Waste Isolation Pilot Plant (WIPP) continues to comply with the final disposal regulations, known as the “Environmental Standards for the Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Waste.” This is the fourth periodic evaluation of the WIPP's continued compliance with the disposal regulations and WIPP Compliance Criteria. The WIPP Compliance Criteria implement and interpret the disposal regulations specifically for the WIPP. This recertification process is required every five years. This recertification decision is based on a thorough review of information submitted by DOE, independent technical analyses and public comments. The Agency has determined that DOE continues to meet all applicable requirements of the final disposal regulations and the WIPP Compliance Criteria and recertifies the WIPP facility. EPA has also identified areas in which the DOE's technical analyses and justifications could be improved for the next recertification application.

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#### [Certain Welded Stainless Steel Pipe From South Korea and Taiwan; Institution of Five-Year Reviews](#)

**Published** 5/2/2022

**Reference** ASTM

The Commission hereby gives notice that it has instituted reviews pursuant to the Tariff Act of 1930 (“the Act”), as amended, to determine whether revocation of the antidumping duty orders on certain welded stainless steel pipe from South Korea and Taiwan would be likely to lead to continuation or recurrence of material injury. Pursuant to the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission. **Instituted May 2, 2022. To be assured of consideration, the deadline for responses is June 1, 2022. Comments on the adequacy of responses may be filed with the Commission by July 15, 2022.**

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#### [Building for the Future Through Electric Regional Transmission Planning and Cost Allocation and Generator Interconnection](#)

**Published** 5/4/2022

**Reference** IEEE

The Federal Energy Regulatory Commission (Commission) proposes to reform both the pro forma Open Access Transmission Tariff and the pro forma Large Generator Interconnection Agreement to remedy deficiencies in the Commission's existing regional transmission planning and cost allocation requirements. Specifically, the proposal would require public utility transmission providers to; conduct long-term regional transmission planning on a sufficiently forward-looking basis to meet transmission needs driven by changes in the resource mix and demand; more fully consider dynamic line ratings and advanced power flow control devices in regional transmission planning processes; seek the agreement of relevant state entities within the transmission planning region regarding the cost allocation method or methods that will apply to transmission facilities selected in the regional transmission plan for purposes of cost allocation through long-term regional transmission planning; adopt enhanced transparency requirements for local transmission planning processes and improve coordination between regional and local transmission planning with the aim of identifying potential opportunities to “right-size” replacement transmission facilities; and revise their existing interregional transmission coordination procedures to reflect the long-term regional transmission planning reforms proposed in this NOPR. In addition, the proposal would not permit public utility transmission providers to take advantage of the construction-work-in-progress incentive for regional transmission facilities selected for purposes of cost allocation through long-term regional transmission planning and would permit the exercise of federal rights of first refusal for transmission facilities selected in a regional transmission plan for purposes of cost allocation, conditioned on the incumbent transmission provider with the federal right of first refusal for such regional transmission facilities establishing joint ownership of the transmission facilities. **Comments are due July 18, 2022 and Reply Comments are due August 17, 2022.**

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### [Energy Conservation Program: Test Procedure for Compressors](#)

Published 5/6/2022

Reference ISO

The U.S. Department of Energy (“DOE”) is initiating a review through this RFI to consider whether to amend DOE's test procedure for compressors. To inform interested parties and to facilitate this process, DOE has identified certain issues associated with the currently applicable test procedure on which DOE is interested in receiving comment. The issues outlined in this document mainly concern the scope of coverage, updated industry test procedures and the accuracy, representativeness and cost of existing test requirements. DOE welcomes written comments from the public on any subject within the scope of this document (including topics not raised in this RFI), as well as the submission of data and other relevant information. **Written comments and information are requested and will be accepted on or before June 6, 2022.**

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### [National Bridge Inspection Standards](#)

Published 5/6/2022

Reference ISO

This final rule updates the National Bridge Inspection Standards (NBIS) for highway bridges. The Moving Ahead for Progress in the 21st Century Act (MAP-21) required the Secretary of Transportation (Secretary) to update the NBIS. Through this final rule, FHWA updates the NBIS to address MAP-21 requirements, incorporate technological advancements including the use of unmanned aircraft systems, and addresses ambiguities identified since the last update to the regulation in 2009. FHWA also is repealing two outdated regulations: the Highway Bridge Replacement and Rehabilitation Program and the Discretionary Bridge Candidate Rating Factor. **This final rule is effective June 6, 2022. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of June 6, 2022.**

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### [Medicare and Medicaid Programs; Approval of Application by The Joint Commission \(TJC\) for Continued CMS-Approval of its Hospital Accreditation Program](#)

Published 5/2/2022

Reference NFPA

This final notice announces our decision to approve The Joint Commission for continued recognition as a national accrediting organization for hospitals that wish to participate in the Medicare or Medicaid programs. **The decision announced in this final notice is effective July 15, 2022 through July 15, 2025.**

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### [Tobacco Product Standard for Menthol in Cigarettes](#)

Published 5/4/2022

Reference NFPA

The Food and Drug Administration (FDA, the Agency, or we) is proposing a tobacco product standard that would prohibit menthol as a characterizing flavor in cigarettes. Tobacco use is the leading preventable cause of death and disease in the United States. Menthol's flavor and sensory effects increase appeal and make menthol cigarettes easier to use, particularly among youth and young adults. There are over 18.5 million menthol cigarette smokers ages 12 and older in the United States. This proposed product standard would reduce the appeal of cigarettes, particularly to youth and young adults, and thereby decrease the likelihood that nonusers who would otherwise experiment with menthol cigarettes would progress to regular smoking. In addition, the proposed tobacco product standard would improve the health and reduce the mortality risk of current menthol cigarette smokers by decreasing cigarette consumption and increasing the likelihood of cessation. FDA is taking this action to reduce the tobacco-related death and disease associated with menthol cigarette use. The proposed standard also is expected to reduce tobacco-related health disparities and advance health equity. **Submit either electronic or written comments on the proposed rule by July 5, 2022.**

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### [Privacy Act of 1974: Systems of Records](#)

Published 5/2/2022

Reference NIST

Pursuant to the Privacy Act of 1974, the National Credit Union Administration (NCUA) gives notice of a new proposed Privacy Act system of records. The new proposed system is the Reasonable Accommodations Records System, NCUA-25. This system will include information that the NCUA collects and maintains on applicants for employment and employees who request and/or receive reasonable accommodations from NCUA for medical or religious reasons. **Submit comments on or before June 1, 2022 This action will be effective without further notice on June 1, 2022 unless comments are received that would result in a contrary determination.**

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[SES Positions That Were Career Reserved During CY 2021](#)

**Published** 5/5/2022

**Reference** NIST

This is a notice of all positions in the Senior Executive Service (SES) that were career reserved during calendar year 2021.

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[Proposed Extension of Approval of Information Collection; Comment Request; Safety Standard for Automatic Residential Garage Door Operators](#)

**Published** 5/5/2022

**Reference** UL

Pursuant to the Paperwork Reduction Act of 1995 (PRA), the Consumer Product Safety Commission (CPSC) requests comment on a proposed extension of approval of information collection under the safety standard for automatic residential garage door operators. CPSC will consider all comments received in response to this notice before requesting an extension of this collection of information from the Office of Management and Budget (OMB). **Submit written or electronic comments on the collection of information by July 5, 2022.**

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